

TRANSCRIPT OF PROCEEDINGS
OF

RE: MOTION TO REVOKE SELF-REPRESENTATION
AS TO SHAWN RICE, NO. 124
VOLUME 1
BEFORE THE HONORABLE ROBERT J. JOHNSTON
UNITED STATES MAGISTRATE JUDGE

Tuesday, March 9, 2010

FTR: 11:22:57 a.m. through 11:30:06 a.m.

Pretrial Services: Jaime Stroup

25 Proceedings recorded by electronic sound recording;
transcript produced by transcription service.

1 APPEARANCES:

2 For the Plaintiff: J. GREGORY DAMM, AUSA
3 United States Attorney's Office
333 Las Vegas Boulevard South
4 Suite 5000
Las Vegas, Nevada 89101

5 For the Defendant: No Appearance

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 (Court convened at 11:22:57 a.m.)

2 THE CLERK: Please rise.

3 (Colloquy not on the record.)

4 THE COURT: Please be seated.

5 (Colloquy not on the record.)

6 THE CLERK: USA versus Shawn Rice,
7 2:09-Criminal-78-JCM-RJJ.

8 THE COURT: Please enter your appearances for the
9 record.

10 MR. DAMM: Good morning, your Honor. Gregory Damm on
11 behalf of the United States.

12 THE COURT: Thank you.

13 And has anyone had any contact with or from the defendant,
14 Mr. Rice?

15 MR. DAMM: Yes, I have, your Honor, and I believe
16 Pretrial Services has as well. I called Mr. Rice. Well,
17 actually, I called his Pretrial Service officer in Arizona
18 first after the hearing yesterday.

19 She provided me with Mr. Rice's cell-phone telephone
20 number. She also indicated that she would E-mail Mr. Rice and
21 let him know the date and time for today's hearing.

22 I called Mr. Rice and actually spoke to Mr. Rice, and I
23 told him that we had had a hearing yesterday, and that it had
24 been continued until today at 11:00 o'clock.

25 He indicated to me something to the effect I believe he

1 said he was geographically if I recall correctly disadvantaged,
2 and I asked him what that meant, and he said he simply wasn't
3 able to get to court today. But if we rescheduled it for next
4 week, he apparently could make it.

5 I asked him where he was located. He indicated to me that
6 that was unimportant because no matter where he was located he
7 would not be able to appear in court.

8 I told him that that was the Court's order that he appear
9 today at 11:00 o'clock, and I told him if he had any issue with
10 that that he would have to address those concerns to the Court.

11 Sometime shortly thereafter, I was carbon copied with an
12 E-mail that I believe he sent to your chambers which reads,
13 "Marlene (phonetic), Shalom. I just received a phone call from
14 AUSA Greg Damm. I was informed that a hearing was rescheduled
15 for tomorrow at 11:00 o'clock.

16 However, because of the travel restrictions placed upon me
17 by U.S. Pretrial Services, Incorporated, Agent Doris Onhaunva
18 (phonetic) which I attempted to amend last fall, I am living in
19 peonage.

20 I simply do not have the economic support to travel to
21 Las Vegas tomorrow; therefore, I am placed into a position of
22 an impossibility of law.

23 Therefore, it would be better for all parties concerned to
24 reschedule said hearing into next week if possible. If that is
25 not possible and if Magistrate Johnston intends to issue a

1 warrant, please let me know by E-mail, so that I can coordinate
2 to have my body delivered to Las Vegas by the appropriate
3 authorities.

4 Thank you.

5 Shalom, Rabbi Shawn Rice."

6 Later on in the day at 1:59 p.m., I received another
7 carbon copy of an E-mail. It reads, "Marlene, it is almost
8 3:00 p.m. there. Where are we now," question mark.

9 "Shalom, Rabbi Rice."

10 And I believe that Pretrial Services Agent or
11 Officer Stroup attempted to call Mr. Rice on his cell-phone
12 number and maybe his home as well, and he apparently did not
13 respond to those telephone inquiries, your Honor.

14 THE COURT: Thank you.

15 Does Pretrial have confirmation of contact as well?

16 PRETRIAL SERVICES: Yes, your Honor. Pretty much the
17 same thing Mr. Damm stated. We not only contacted the
18 District of Arizona supervising officer and made her aware of
19 this and also contacted Mr. Rice himself and made him aware
20 that he missed yesterday, and that his presence was required to
21 today's hearing.

22 He told me pretty much the same thing. That he was
23 financially incapable of doing so today; however, what he said
24 was he'd more than happy to appear if it would be continued
25 sometime next week.

1 THE COURT: Okay. Thank you.

2 PRETRIAL SERVICES: Um-h'm.

3 THE COURT: Now, he also had missed an appointment
4 with the Pretrial Service officer here and in Arizona?

5 PRETRIAL SERVICES: Well, he was supposed to report
6 to our office yesterday when he came. But since he did not
7 even show up, there was no appointment scheduled in Arizona.

8 THE COURT: Okay. Thank you.

9 MR. DAMM: Your Honor, according to I believe the
10 Pretrial Services officer in Arizona, there were at least I
11 think two prior Pretrial appointments scheduled for him to
12 appear in their office in Arizona which Mr. Rice did not
13 attend.

14 PRETRIAL SERVICES: Yes. I'm sorry, your Honor. He
15 was supposed to go there at least twice in which he cancelled.
16 Finally, the supervising officer there in Arizona just told him
17 to report to our office when he came for his court appearance,
18 and we agreed on that.

19 THE COURT: Okay. Thank you. All right.

20 One thing that does become apparent through the papers, he
21 does mention the name of the court security officer that he
22 believes told him that he could not return to the property.

23 That's a CSO by the name of Shipp (phonetic), and I'll
24 just give that to the Government and to Pretrial Services to
25 follow up as you feel it's appropriate.

1 MR. DAMM: Your Honor, I believe there was a
2 follow-up yesterday, and Mr. Rice I think embellishes the
3 truth.

4 Apparently, he may have attempted to enter the building
5 and did not have the appropriate identification. In which
6 event, he would have been requested to provide appropriate
7 identification, but I'm unaware of any incident where he was
8 expelled from the building and told not to return again.

9 THE COURT: Okay. Very good.

10 What I'd like to do moving forward, then, I think the best
11 way would be to just issue a petition from Pretrial Services
12 and the Government for his failure to appear, also his failures
13 to appear and cooperate with Pretrial Services in Arizona.

14 The Court will sign that and issue an immediate warrant
15 for his arrest, and then we can bring him back and deal with
16 him that way. All right.

17 Anything further today?

18 MR. DAMM: Nothing further on behalf of the
19 United States, your Honor.

20 THE COURT: Okay. Thank you.

21 (Colloquy not on the record.)

22 THE COURT: And we will proceed at a future time with
23 the hearing in regard to the motion that's been filed by the
24 Government as to representation.

25 MR. DAMM: Thank you, your Honor.

1 THE COURT: Thank you.

2 We'll be in recess.

3 THE CLERK: Please rise.

4 (Court concluded at 11:30:06 a.m.)

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 I certify that the foregoing is a correct transcript
2 from the electronic sound recording of the proceedings in
3 the above-entitled matter.

4

5

6 /s/ Lisa L. Cline

05/14/10

7

Lisa L. Cline, Transcriptionist

Date

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25